

1 ROBERT DAVID BAKER, INC.
Robert David Baker (Bar No. 87314)
2 1611 The Alameda
San Jose, CA 95126
3 Telephone: (408) 292-8555
Fax: (408) 292-0703

4 LAW OFFICE OF NIEVE ANJOMI
5 Nieve Anjomi (Bar No. 219299)
180 Wells Avenue, Suite 101-B
6 Newton, MA 02459
Telephone: (617) 275-6467
7 Fax: (617) 244-0194

8 Attorneys for Plaintiff
SAM ABOUD

9 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
10 Steven G. Madison (Bar No. 101006)
Scott G. Lawson (Bar No. 174671)
11 Melissa J. Baily (Bar No. 237649)
50 California Street, 22nd Floor
12 San Francisco, California 94111
Telephone: (415) 875-6600
13 Facsimile: (415) 875-6700
Email: stevemadison@quinnemanuel.com
14 scottlawson@quinnemanuel.com
melissabaily@quinnemanuel.com

15 Attorneys for Defendant
16 INTERNATIONAL BUSINESS
MACHINES CORPORATION

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 SAM ABOUD,

21 Plaintiff,

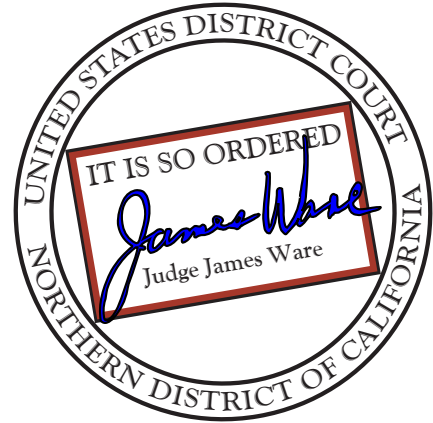
22 vs.

23 INTERNATIONAL BUSINESS MACHINES
24 CORPORATION,

25 Defendant.

CASE NO. C04-00017 JW

26 [PROPOSED] JUDGMENT
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1 WHEREAS, on September 7, 2007, defendant International Business Machines
2 Corporation ("IBM") served on plaintiff Sam Abboud the Offer of Judgment Pursuant to Federal
3 Rule of Civil Procedure 68 attached hereto as Exhibit A; and

4 WHEREAS, on September 17, 2007, plaintiff filed the Notice of Acceptance of Rule 68
5 Offer attached hereto as Exhibit B;

6 NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

7 1. Final judgment is entered in favor of plaintiff Sam Abboud and against defendant
8 IBM on plaintiff's Amended Complaint and each and every claim for relief therein.

9 2. Plaintiff Sam Abboud shall recover one hundred and one thousand dollars
10 (\$101,000) from defendant IBM. This amount shall be the entirety of plaintiff's relief in this
11 matter, shall resolve all claims and defenses herein in their entirety, and is inclusive of costs,
12 expert witness fees, attorneys' fees, and any and all other expenses.

13 The Clerk shall close this file.

14 IT IS SO ORDERED.

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16 Dated: September 27, 2007

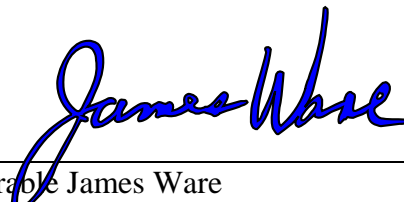
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19 _____
20 Honorable James Ware
21 United States District Judge
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EXHIBIT A

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

Steven G. Madison (Bar No. 101006)

2 Scott G. Lawson (Bar No. 174671)

Melissa J. Baily (Bar No. 237649)

3 50 California Street, 22nd Floor

San Francisco, California 94111

4 Telephone: (415) 875-6600

Facsimile: (415) 875-6700

5 Email: stevemadison@quinnemanuel.com

scottlawson@quinnemanuel.com

6 melissabaily@quinnemanuel.com

7 Attorneys for Defendant

International Business Machines Corporation



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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 SAM ABOUD,

14 Plaintiff,

15 vs.

16 INTERNATIONAL BUSINESS MACHINES
CORPORATION,

17 Defendant.

CASE NO. C04-00017 JW

**IBM'S OFFER OF JUDGMENT
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 68**

Court: Honorable James Ware
Trial Date: September 18, 2007

IBM'S OFFER OF JUDGMENT PURSUANT TO RULE 68

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant International Business Machines Corporation ("IBM") hereby offers to allow entry of judgment against it without trial or adjudication of any fact or law, and without this judgment constituting evidence against or admission by any party with respect to any issue of fact or law, as follows:

Judgment in favor of plaintiff Sam Abboud and against IBM on the claims set forth in the complaint filed November 10, 2003 in Santa Clara County Superior Court for the State of California and removed January 5, 2004 to the Federal District Court, Northern District of California, San Jose Division, in the amount of one-hundred and one thousand dollars (\$101,000), which includes any costs, expert witnesses' fees and attorneys' fees awardable by statute, contract or otherwise that have accrued to date, and is the total amount IBM shall be obligated to pay plaintiff on account of any liability claimed herein, including without limitation, any liability for costs of suit, attorneys' fees and any claim for fees payable to expert witnesses and other costs accrued to date that might be recoverable against IBM.

Pursuant to Rule 68, this offer must be accepted within 10 days of its service. The offer is to remain confidential unless and until accepted.

DATED: September 7, 2007

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By Scott G. Lawson DJR
Scott G. Lawson
Attorneys for Defendant
International Business Machines Corporation

EXHIBIT B

1 **Robert David Baker, Inc.**
2 **Robert David Baker, Esq. (87314)**
3 **1611 The Alameda**
4 **San Jose, CA 95126**
5 **(408) 292-8555**
6 **(408) 292-0703 Facsimile**

7 **Law Office of Nieve Anjomi**
8 **Nieve Anjomi, Esq. (219299)**
9 **180 Wells Ave, Ste 101-B**
10 **Newton, MA 02459**
11 **(617) 275-6467**
12 **(617) 244-0194 Facsimile**

13 **Attorneys for Plaintiff**
14 **SAM ABOUD**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAM ABOUD,

Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION;

Defendant

Case No.: C 04- 00017 JW

ACCEPTANCE OF RULE 68 OFFER TO
COMPROMISE

Date: September 18, 2007

Time: 1:00 p.m.

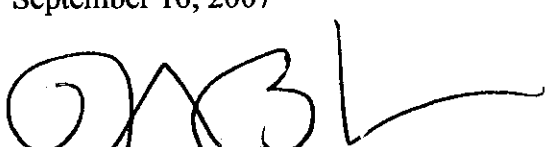
Dept: Hon. James Ware

[TRIAL DATE: SEPTEMBER 18, 2007]

Plaintiff hereby accepts Defendant IBM's Offer of Judgment Pursuant to Rule 68 of the
FRCP.

Respectfully submitted,

Dated: September 16, 2007


Robert David Baker, Esq.

Abboud v. IBM; CV 04-00017
Notice of Acceptance of Rule 68 Offer